

CHAPTER 2-5

BUILDINGS AND CONSTRUCTION

(Ordinance of 6-2-65; Amended 8-20-69, 5-21-70, 12-21-78, 8-19-82, 12-20-84, 6-5-86; 6-5-87; 8-17-89, 9-1-89, 4-18-91, 2-21-92, 3-19-92, 6-20-96, 8-8-96, 12-18-97, 8-7-97, 6-4-98, 7-16-98, 8-6-98, 10/1/98, 6/7/01, 01/17/02, 4/1/04, 6/17/04, 9/07/06, 3/01/07, 08/02/07, 11/01/07, 05/06/10, 03/21/13, 10/15/15, 12/15/16, 12/21/17, 10/03/19)

Art. I	Reserved Sections 2-5-1 - 2-5-19
Art. II	Building Code, Sections 2-5-20 - 2-5-29
Art. III	Electrical Code, Sections 2-5-30 - 2-5-59
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Art. V	Plumbing Code, Sections 2-5-70 - 2-5-87
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Art. IX	Nuisance Abatement Code, Sections 2-5-200 - 2-5-220

ARTICLE I. RESERVED

2-5-1 - 2-5-19 Reserved.

ARTICLE II. BUILDING CODE

2-5-20 Adoption of building code. (Amended 08/02/07; #O-2007-12)

There is hereby adopted by the Board of Commissioners, Glynn County, for the purpose of prescribing regulations governing the construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures, that certain Code known as the INTERNATIONAL BUILDING CODE, being particularly the 2006 edition of the International Building Code with Georgia Amendments, the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. The International Building Code with Georgia Amendments is hereinafter referred to as the "Building Code". The Building Code is on file in the office of the Building Official of Glynn County and the same is hereby adopted and incorporated as fully as if set out verbatim herein, and from and after the effective date of the provisions thereof shall be in full force and effect within the area of Glynn County, Georgia, lying outside the corporate limits of the City of Brunswick. When the International Building Code is amended and such amendment is adopted by the State of Georgia, that amendment shall be automatically

adopted by Glynn County excepting only those portions specifically deleted, modified or amended by the Glynn County Board of Commissioners.

2-5-21

Definitions. (Amended 11/01/07; #O-2007-18)

Municipality or city: Wherever the word "Municipality" or "city" is used in said Building Code, it shall be held to mean GLYNN COUNTY, a political subdivision of the State of Georgia, and jurisdiction is confined to that area of said County lying outside of the corporate limits of the City of Brunswick as aforesaid.

Building Official: Wherever the term "Building Official" is used in said Building Code, it shall be held to mean the GLYNN COUNTY BUILDING OFFICIAL.

Declared Value: Wherever the term "Declared Value" is used in said Building Code, it shall mean the actual contract amount for the item constructed except the declared value for a mobile home or manufactured home shall be determined from the bill of sale.. If bill of sale is not available, the value will be derived from the PROCEDURE MANUAL, MOBILE HOMES ADVALOREM, UNIFORM EVALUATION, published by the Georgia Department of Revenue. ***Effective December 3, 2007***

Department of law: Wherever the term "Department of Law" is used in said Building Code, it shall be held to mean the GLYNN COUNTY ATTORNEY.

Chief Administrator: Wherever the term "Chief Administrator" is used in said Building Code, it shall be held to mean the COUNTY ADMINISTRATOR.

Director of Public Works: Wherever the term "Director of Public Works" is used in said Building Code, it shall be held to mean the GLYNN COUNTY ENGINEER.

Chief Appointing Authority: Wherever the term "Chief Appointing Authority" is used in said building code, it shall be held to mean the BOARD OF COMMISSIONERS."

2-5-22

Amendments to and exclusions from the building code. (Amended 08/02/07; #O-2007-12)

The said Building Code is amended and changed in the following

respects:

Section 105.2.1 is amended by striking the sentence which reads,

“Notice of appeals shall be in writing and filed within ninety (90) days after the decision is rendered by the Building Official.”

and inserting in lieu thereof the following sentence:

“Notice of appeals shall be in writing and filed within thirty (30) days after the decision is rendered by the Building Official.”

2-5-23 Administration and enforcement.

The administration and enforcement of this Ordinance and the provisions of said Building Code by the Commissioners is hereby delegated to the Glynn County Building Official, his assistant or assistants, who are hereby authorized to take such action as may be required to enforce this ordinance.

- a. The Building Official, his assistant or assistants shall not approve any further construction beyond the foundation for new construction at a site served by a community water and/or wastewater provider until:
 - 1. The community water/wastewater provider has approved the plans for the provision of water and/or wastewater service to the structure(s); and,
 - 2. A water meter, if required, has been purchased and installed. Unless otherwise determined by the Building Official no wastewater charges shall be invoiced on any such meter provided by the Glynn County Board of Commissioners until the occupancy permit is issued.

2-5-24 Fees (Amended 11/01/07; 03/21/13)

- a. Fee Schedule

Occupancy Type	Permit Cost
MOBILE HOME	Declared Value x .004 (Minimum \$30.00)
RESIDENTIAL	Heated Space:

Up to 1700 square feet = \$300
+ 1701 – 2500 sq ft X \$0.60/sq ft
+ 2501 – 5000 sq ft X \$0.85/sq ft
+ 5001 and up X \$1.45/ sq ft

Enclosed Space:
Square Footage X \$0.25/ sq ft

Covered Space:
Square Footage X \$0.15/sq ft (not enclosed)

ASSEMBLY	Square Footage X \$69.50 X .004	
CARWASH	Square Footage X \$43.50 X .004	
CHURCH	Square Footage X \$49.50 X .004	
COMMERCIAL	Square Footage X \$75.50 X .004	
DOCK	Declared value X .004	(Minimum \$30.00)
GARAGE (Commercial)	Square Footage X \$35.50 X .004	
GOVERNMENT	Square Footage X \$52.50 X .004	
HOSPITAL	Square Footage X \$65.50 X .004	
HOTEL	Square Footage X \$65.50 X .004	
INDUSTRIAL	Square Footage X \$43.50 X .004	
INSTITUTIONAL	Square Footage X \$43.50 X .004	
LAUNDRY	Square Footage X \$52.50 X .004	
MALL	Square Footage X \$52.50 X .004	
MEDICAL	Square Footage X \$69.50 X .004	
MERCHANTILE	Square Footage X \$52.50 X .004	
MISCELLANEOUS	Square Footage X \$52.50 X .004	
OFFICE	Square Footage X \$52.50 X .004	

MULTIFAMILY RESIDENTIAL	Square Footage X \$52.50 X .004	
RESTAURANT	Square Footage X \$43.50 X .004	
SCHOOL	Square Footage X \$89.50 X .004	
WAREHOUSE	Square Footage X \$29.50 X .004	
ANY OTHER OCCUPANCY TYPE AND WORK TYPE	Declared value X .004	
MIXED USE	Pro rata per square foot based upon use	
COMMERCIAL SHELL	Square Footage X \$52.50 X .004 Added to finish based upon occupancy type	
COMMERCIAL ACCESSORY	Square Footage X \$30.00 X .004	
ELECTRICAL	\$30.00	
DEMOLITION	\$30.00	
FOUNDATION ONLY	Declared value X .004	(Minimum \$30.00)
GAS	\$30.00	
MECHANICAL	\$30.00 per unit (<i>"unit" is described on the Hansen software detail page screen</i>)	
MOVE HOUSE	\$1,000.00	
PLUMBING	\$30.00	
POOL	Declared value X .004	(Minimum \$30.00)
RESIDENTIAL ACCESSORY OCCUPIED	Heated Space: Up to 1700 square feet = \$300 + 1701 – 2500 sq ft X \$0.60/sq ft + 2501 – 5000 sq ft X \$0.85/sq ft + 5001 and up X \$1.45/ sq ft Enclosed Space: Square Footage X \$0.25/sq ft	

	Covered Space: Square Footage X \$0.15/sq ft (not enclosed)	
RESIDENTIAL ACCESSORY	Square Footage X \$30.00 X .004	
SIGN PERMIT	Declared value X .01	(Minimum \$12.50)
SIGN PERMIT EXTENSION	\$30.00	
TOWER	Declared value X .004	(Minimum \$30.00)

- b. Reinspection fees \$20.00 each
- c. Application fees for variance/appeal to provisions of the International Codes shall be seventy-five dollars (\$75.00) dollars per application.
- d. Where work for which a permit is required by the Code is commenced prior to obtaining required permit, the fee specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

2-5-25 Board of Adjustments and Appeals. (Amended 08/02/07; #O-2007-12)

The Board of Adjustments and Appeals, established under the provisions of said Building Code, shall be appointed by the Board of Commissioners.

2-5-26 Other Amendments to the Building Code. (Amended 08/02/07; #O-2007-12)

Reserved.

2-5-27 Fire Districts Established. (Amended 08/02/07; #O-2007-12)

Until further defined or more particularly delineated by the Commissioners, there are hereby established two fire districts, as contemplated in said Building Code.

All areas designated and classified in and by the Zoning Ordinance of Glynn County, and upon the related zoning maps of Glynn County as GC

Commercial and GC Core.

2-5-28 **Violations and Punishment.** (Amended 08/02/07; #O-2007-12)

- a. Violations of this Ordinance and the provisions of said Building Code shall be punished as for a misdemeanor according to the provisions of Sec. 36-13-12 of the O.C.G.A Annotated.
- b. In addition to the penalty and punishment for violation of this Ordinance, the Glynn County Building Official, for and in behalf of the Board of Commissioners or any adjacent or neighboring property owner who would be damaged by such violation may institute injunction, mandamus, or other appropriate action or proceeding to prevent, correct, or abate such violation or threatened violation.

2-5-29 **Reserved.**

ARTICLE III. ELECTRICAL CODE

2-5-30 SCOPE.

There is hereby adopted and prescribed for Glynn County, Georgia, an electrical code which shall apply to and be effective only within that area of Glynn County lying outside the corporate limits of the City of Brunswick, and all reference hereinafter made to the application of said Electrical Code of Glynn County shall mean that said area of Glynn County outside the corporate limits of the City of Brunswick.

2-5-31 Code Remedial.

This code is hereby declared to be remedial in nature and enacted for purposes of promoting the public safety, health, and general welfare through the establishment of practical safeguards against hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes.

2-5-32 Definitions.

Electrician: The term "Electrician" as used in this Code shall be held to mean a person who is engaged in the trade or business of electrical construction, and who is qualified under the terms and provisions of this Code and applicable state laws.

Journeyman Electrician: The term "Journeyman Electrician" as used in this Code shall be held to mean a person who possessed the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heating, air conditioning, and/or power, and who is qualified under the terms and provisions of this Code, and he shall be capable of doing electrical work according to plans and specifications furnished him and in accordance with the standard rules and regulations governing wiring installations in the County of Glynn.

Electrical Contractor: The term "Electrical Contractor" as used in this Code shall be held to mean a person, firm, or corporation engaged in the business of Electrical Contracting. The person in charge of electrical installation shall be qualified as an Electrical Contractor according to the terms of state laws and shall possess a Certificate of Qualification from the State of Georgia as an Electrical Contractor.

Qualified person: The term "Qualified Person" as used in this Code shall be held to mean any person qualified under applicable provisions of the law of the State of Georgia to perform electrical work, including any homeowner who desires to perform electrical work on his premises in accordance with applicable provisions of the law of the State of Georgia.

2-5-33 Administration and Enforcement.

The administration and enforcement of this Ordinance is delegated by the Board of Commissioners, Glynn County, Georgia, who shall hereafter for the purposes of brevity, be referred to as Commissioners, shall be through the Glynn County Building Official, hereinafter identified as Building Official, his assistant or assistants, who are hereby authorized to take such action as may be authorized herein to enforce the purposes of this Ordinance. Such person or persons may be appointed Building Inspector or Inspectors as may be deemed necessary by the Commissioners to carry out the provisions of this Ordinance.

2-5-34 Duties of Building Official; Identification.

It shall be the duty of the Building Official to enforce the provisions of any national or regional electrical code incorporated by reference into this Ordinance.

The Building Official and his authorized assistants or representatives shall carry sufficient identification, and be prepared to exhibit the same before entering any premises for the purpose of inspecting any electrical installation or alteration at such time as may be required to insure compliance with the provisions of this Ordinance.

Subject to the approval of the Commissioners, the Building Official with the concurrence of the Glynn County Electrical Board as hereinafter created, shall recommend to the Commissioners rules and regulations for the purpose of carrying out the provisions of this Ordinance.

2-5-35 Permits.

No work in connection with an electrical wiring system shall be covered or concealed until it has been inspected as prescribed in this Code, and permission to do so has been given by the Building Official.

Upon the completion of the wiring of any building for light, heating, air conditioning, or power, it shall be the duty of the person doing the work to notify the Building Official, who shall thereafter within a reasonable period of time inspect the wiring and appliances, and if approved by him, issue a certificate of approval as hereinafter provided. The certificate of approval shall contain the date of the inspection, and an outline of the result of the inspection which shall be attached to the electrical wiring system. No

such certificate shall be issued unless the electrical wiring and appliances comply with the rules and regulations required by this Code. It shall be unlawful for any current to be turned on for any work for which a permit is required under this Code until such time as the certificate of approval is issued by the Building Official.

2-5-36 Inspections.

No work in connection with an electrical wiring system shall be covered or concealed until it has been inspected as prescribed in this Code and permission to do so has been given by the Building Official.

Upon the completion of the wiring of any building for light, heating, air conditioning, or power, it shall be the duty of the person doing the work to notify the Building Official, who shall thereafter within a reasonable period of time inspect the wiring and appliances, and if approved by him, issue a certificate of approval as hereinafter provided. The certificate of approval shall contain the date of the inspection and an outline of the result of the inspection which shall be attached to the electrical wiring system. No such certificate shall be issued unless the electrical wiring and appliances comply with the rules and regulations required by this Code. It shall be unlawful for any current to be turned on for any work for which a permit is required under this Code until such time as the certificate of approval is issued by the Building Official. The Building Official shall make, or cause to be made, a re-inspection of an electrical wiring installation whenever he deems it necessary in the interest of public safety.

If an electrical wiring system, upon re-inspection, is found to be defective and unsafe, the Building Official shall revoke all prior certificates relating to the inspected system and the use of such electrical wiring system shall be discontinued until it has been brought into conformity with this Code and a new certificate of approval has been issued by the Building Official.

2-5-37 Certificate of Approval - When Required.

It shall be unlawful to use, permit the use of, or to supply current for electrical wiring for light, heating, air conditioning, or power in a building or structure unless the required Certificate of Approval has been issued. The Building Official in the exercise of his discretion may permit the service to be connected on a temporary basis not to exceed thirty (30) days to supply and use current in parts of an electrical installation before such installation has been fully completed and the Certificate of Approval issued.

2-5-38 Current Permits - Unsafe Installations - Right of Entry.

- a. Whenever any electrical equipment has been installed or altered, no electrical current shall be supplied to or used on such equipment prior to the inspection of such equipment by the Building Official, or his authorized representative, and the issuance of a temporary current permit covering such installation or alteration; provided, however, that the Official or his authorized representative, may issue a temporary current permit for construction or alteration of buildings, which temporary permit shall expire when the construction or alteration of such building is complete.
- b. It shall be unlawful for any person to install electrical energy recording meters or any electrical equipment that has been installed previous to the issuance by the Building Official, or his authorized representative, of a temporary current permit or a certificate of inspection authorizing the use of current on such installation.
- c. If any electrical wiring, cable, appliance, or equipment shall be found to be unsafe to life or property, the Building Official, or his authorized representative, shall notify the owner or occupant of the building, structure, or premises upon which such unsafe condition was found to exist, to correct the unsafe condition within a reasonable period of time, but not exceeding thirty (30) days from date of notice. If correction is not made, within the time so provided, the electrical current supply shall be discontinued forthwith.
- d. If any electrical wiring or apparatus in use, or connected for use, is found by the Building Official, or his authorized representative, to be defective or improper so as to create a hazardous condition, the Building Official shall disconnect the parts of the wiring or equipment or require the company furnishing the electrical current to discontinue service to such electrical system. The Building Official will notify the company furnishing the electrical current to discontinue the service until the hazard has been removed.
- e. Whenever the Building Official has reasonable cause to believe that the electrical wiring or electrical equipment in any building is unsafe and dangerous, and the occupant of such a building refuses to allow him to enter the building for the purpose of making an inspection, then the Building Official shall be authorized to disconnect the wires supplying the electrical current to the building involved. In lieu of disconnecting the power, the Building Official may notify the company furnishing electrical current to the building

to discontinue service until such time as the unsafe or dangerous condition has been corrected.

- f. Upon notice from the Building Official to the owner or occupant of the premises or to the person doing the work therein, that work on any electrical system is being done contrary to provisions of this Code, or is being performed in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice will be oral or written. If oral, confirmation by a written notice will be furnished and be delivered within twenty-four (24) hours of the original notice. The notice shall state the conditions under which the work may be resumed. On such notice being given, the electrical service shall be discontinued forthwith, unless the Building Official issues a temporary current permit.
- g. The Building Official shall have the right in the discharge of his official duties to enter any building, manhole, or structure or to climb any pole for the purpose of examining and testing the electrical appliances or installation. Whenever an electric wire or appliance shall be defective through improper or insufficient insulation, or for any other reason, the Building Official shall at once cause the correction of the defect or defects, at the expense of the owners or occupants, provided, that if these wires are the property of any company having a master electrician, and the electrician and the Building Official cannot agree, a representative of the National Board of Fire

Underwriters shall decide at the cost of the losing party; provided further, that if an individual is dissatisfied with the decision of the Building Official, he shall have the right of appeal to the County Administrator in writing within five (5) days after the decision of the Building Official.

2-5-39 Regulation and Placing of Electrical Wiring, Etc.

The Building Official is hereby authorized, empowered, and directed to regulate and determine the placing of aerial or underground electric wires or other appliances for electric light, heating, air conditioning, or power in the County, and to require all such wires or appliances to be so placed, constructed, and guarded so as not to cause a risk of fires or accidents endangering life or property.

- a. Injuring wires while repairing, etc., buildings.

It shall be unlawful for any person in erecting scaffolding, erecting signs, repairing or painting buildings, or in any other way to cut,

break, or in any manner interfere with the arrangement of telegraph, telephone, light, power, or other electric wires.

b. Interference with Building Official.

It shall be unlawful for any person to interfere with the Building Official, or any of his duly authorized representatives, when they are performing any of their official duties.

c. Permit fees.

No permit required by this Code shall be issued until the fees prescribed in this Code shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if required, shall have been paid. No refund of any moneys received for permits will be made unless an overcharge was made by any employee of the Building Inspection Department.

d. The permit fee for any electrical work not covered by an all inclusive building permit shall be \$30.00 per permit.

e. The fee for reinspection shall be \$20.00 per reinspection.

f. For installation or alteration not covered by above, the fees shall be determined by the Building Official.

2-5-40 Application for Permit.

a. No permit shall be issued until plans and specifications showing the proposed work have been submitted to the Building Official, and he has determined from examination of such plans and specifications that the work will be performed in accordance with applicable provisions of this Code. If a permit is denied, the applicant may submit revised plans and specifications without payment of an additional fee. If, in the course of the work, it is found necessary to make an amendment to the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted to the Building Official prior to any work being performed thereunder, and a supplemental permit shall be issued, subject, however, to the same conditions as contained in the original application for permit covering the amended work.

b. Applicants for permits on all work may be required to submit two complete sets of plans and specifications containing a detailed description of all proposed work to the Building Official prior to

obtaining a permit, such plans must be legibly drawn or printed and must show all the proposed electrical work to be done. Such plans shall show the size of service and sub-feeder lines and conduit, the location of service switches, the center or centers of distribution, and the arrangements of circuits, showing the number of outlets connected thereto. If the plans show that such electrical work when completed, will be in compliance with the provisions of this Code, the proper permit shall be issued to the applicant. One set of such plans shall be kept on file in the office of the Building Official. All electrical work done must comply with the plans and specifications and any changes or omissions in the electrical work must be approved in advance by the Building Official.

- c. If the Building Official is satisfied that the work described in an application for permit and the drawings filed therewith conform with the requirements of this Code and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- d. If the application for permit or drawings describe work which does not conform to the requirements of this Code and other pertinent laws and ordinances, the Building Official shall not issue such permit, but shall return the application with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.
- e. The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. A permit issued shall not be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction or of violations of this Code. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days after issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced, provided that, for cause, the Building Official may grant one or more extensions of time, for periods not exceeding ninety (90) days each.

2-5-41

Permits and Drawings to be Kept at Site - Revocation of Permit.

- a. When the Building Official issues a permit, he may endorse in writing, or stamp approved, on one set of the plans and return same to the applicant. The approved drawing and permit issued

shall be kept at the site of work and shall be open to inspection by the Building Official.

- b. The Building Official shall have the authority to revoke a permit or approval issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

ARTICLE III. ELECTRICAL CODE

2-5-42 National Electrical Code Adopted and Incorporated by Reference. (Amended 08/02/07; #O-2007-12)

There is hereby adopted by the Board of Commissioners, Glynn County, for the purpose of prescribing regulations governing all electrical work, and all materials and appliances used in connection therewith, performed within the unincorporated areas of Glynn County that certain Code known as the 2005 edition of the NATIONAL ELECTRICAL CODE with Georgia amendments. The National Electrical Code with Georgia Amendments is hereinafter referred to as the "Electrical Code". The Electrical Code is on file in the office of the Building Official of Glynn County and the same is hereby adopted and incorporated as fully as if set out verbatim herein and copies of the Electrical Code shall remain in the custody of the Building Official. Said publication shall, however, be accessible to all persons who may desire to inspect the same for the purpose of examining the contents thereof. When the National Electrical Code is amended and such amendment is adopted by the State of Georgia, that amendment shall be automatically adopted by Glynn County excepting only those portions specifically deleted, modified or amended by the Glynn County Board of Commissioners.

2-5-43 National Electrical Code - Application. (Amended 08/02/07; #O-2007-12)

All electrical work, and all materials and appliances used in connection therewith, performed within the unincorporated areas of the County of Glynn shall conform at all times to the requirements and provisions of the 2005 edition of the National Electrical Code with Georgia amendments.

2-5-44 Conduits.

In addition to other requirements of this Code, all electrical wiring for light, heating, air conditioning, or power hereinafter to be installed within the County of Glynn, as described in the following sections shall in all cases be in metal conduit or tubing.

All electrical wiring in buildings classed by the Southern Standard Building Code as Type 1 and Type II as defined by Southern Building Code.

All supply wire leading to electrical signs.

All services requiring service mast shall be by means of a metal raceway of rigid conduit and equipped with a rain-tight service head.

All electrical wiring in commercial in GC and GC Core districts, assembly buildings or industrial type buildings.

2-5-45 Breaker Panels.

All new construction shall be served by means of breaker type panels.

2-5-46 Fire Damage.

Before beginning work on any electrical system damaged by fire, the electrician or person proposing to do the work, or to have the same done, shall get a ruling from the Building Official as to what portion of the electrical system must be replaced.

2-5-47 Creation of Electrical Advisory Board.

In furtherance of the provisions and requirements of this Ordinance, there is hereby created and established by the Board of Commissioners, a Glynn County Electrical Advisory Board, hereinafter referred to as Electrical Board, consisting of six (6) members, residents of Glynn County, of whom at least three (3) members shall be qualified electrical contractors and one (1) member shall be the County Building Official and two (2) members shall be representatives of the Georgia Power Company and Okefenokee Rural Electrical Company (REA), power producers of the county of Glynn.

The members of the Electrical Board, excluding the Building Official, shall be appointed by the Commissioners for the following terms: the original appointment shall be one member for one (1) year, one member for two (2) years, one member for three (3) years, and one member for four (4) years. The representatives of the power producers shall be appointed by the local district superintendent.

The Electrical Board shall elect one of the members as its Chairman, and another member as its Secretary. The Chairman shall preside over the Electrical Board's meetings. The Electrical Board shall keep and preserve all of its records at the office of the Building Official. The Chairman and Secretary shall perform such other duties as the electrical Board may from time to time prescribe.

The Chairman and Secretary shall be elected for periods of one (1) year and shall be eligible to succeed themselves in such offices.

The Electrical Board shall adopt such other rules governing the orderly dispatch of its business and do any and all other acts or things authorized

for the execution of its functions as may be approved by the Board of Commissioners. The members of said Electrical Board shall serve without compensation.

2-5-48 Authorized duties of Electrical Board.

The duties of the Electrical Board shall be:

- a. To cooperate with and advise the Board of Commissioners with respect to electrical problems;
- b. To recommend amendments to this Ordinance as may from time to time become necessary;
- c. To receive and make recommendations in connection with electrical work;
- d. To handle such other matters as may be referred to it by the Board of Commissioners;
- e. To meet in the County Building Official's office for disposition of such business as may come before it.

2-5-49 Reserved.

2-5-50 Determination of Qualification and Issuance of Electrical Contractor's Certification Therefor.

- a. Said applicant shall be qualified by the State of Georgia through the Georgia State Board of Electrical Contractors and duly registered as an Electrical Contractor in the State of Georgia. Said Electrical Contractor shall submit a copy of registration to the Building Official's office prior to commencing any work in Glynn County.
- b. Every Electrical Contractor as defined by this Code must either himself hold a Certificate of Qualification as an Electrical Contractor or have continuously in his employ a holder of Certificate of Qualification as Electrical Contractor for the current year.
- c. It shall be unlawful for any Electrical Contractor as defined by this Code to employ any Journeyman Electrician to do electrical work in Glynn County unless such person has in his possession a current Certificate of Qualification.

- d. No electrical work shall be performed within the unincorporated area of Glynn County by any person other than an Electrical Contractor or by a Journeyman Electrician working under the supervision and direction of an Electrical Contractor, except as provided in Paragraph (B) of Sec. 2-5-40. The intent and purpose of this requirement is to insure and protect the public from inferior electrical work and property damage.
- e. No holder of a Certificate of Qualification as an Electrical Contractor shall allow his name to be used by a person, firm, or corporation for the purpose of obtaining a permit to do electrical work, or for the purpose of doing electrical work under their license as such.

2-5-51 Violation and Punishment.

Any person, firm, corporation, or agent who shall violate any of the requirements of this Ordinance and the provisions of the Electrical Code as incorporated herein or fail to comply therewith shall, upon conviction thereof in a court of competent jurisdiction, be punished as for a misdemeanor under the provisions of Sec. 36-13-12 of the O.C.G.A., as amended.

2-5-52 Preventing Continuation of Unlawful Electrical Installations.

In case any installation, maintenance, extension, or alteration of any electrical work is made, or is proposed to be made, in violation of this Ordinance, the Board of Commissioners, Glynn County, Georgia, in addition to other available remedies, may institute injunction or other appropriate action or proceeding to prevent such unlawful installation, maintenance, extension, or alteration of electrical work in Glynn County.

2-5-53 - 2-5-59 Reserved.

ARTICLE IV. MECHANICAL CODE

2-5-60 Scope.

There is hereby adopted and prescribed for Glynn County, Georgia, a mechanical code which shall apply to and be effective only within that area of Glynn County lying outside the corporate limits of the City of Brunswick, and all references hereinafter made to the application of said mechanical code of Glynn County shall mean the area of said county lying outside the corporate limits of the City of Brunswick.

2-5-61 International Mechanical Code Adopted and Incorporated by Reference. (Amended 08/02/07; #O-2007-12)

The mechanical code adopted and prescribed for Glynn County is that code contained and identified as the INTERNATIONAL MECHANICAL CODE, 2006 EDITION WITH GEORGIA AMENDMENTS (hereinafter referred to as the "Mechanical Code").. Three copies of said code are filed for use and examination by the public in the office of the Glynn County Building Official, Glynn County, Georgia. Reference is hereby had to said mechanical code contained in said publication and the same is made a part of this Ordinance and incorporated herein by reference, and shall have the same force and effect as though set out verbatim in this Ordinance. When the International Mechanical Code is amended and such amendment is adopted by the State of Georgia, that amendment shall be automatically adopted by Glynn County excepting only those portions specifically deleted, modified or amended by the Glynn County Board of Commissioners.

2-5-62 Application of Mechanical Code. (Amended 08/02/07; #O-2007-12)

The provisions of this code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

2-5-63 Administration and Enforcement.

The administration and enforcement of this Ordinance by the Board of Commissioners of Glynn County, herein referred to as Commissioners, shall be through the Glynn County Building Official, herein identified as Building Official, his assistant or assistants.

2-5-64 Duties of Building Official. (Amended 08/02/07; #O-2007-12)

- a. It shall be the duty of the Building Official to enforce the provisions of the Mechanical Code and to make the inspections and tests required thereunder. The tests required hereunder shall be prepared by the installer and made by the Building Official at a time prearranged.
- b. The Building Official and his authorized assistants or representatives shall carry sufficient identification and be prepared to exhibit the same before entering any premises for the purpose of inspecting any mechanical work at such times as may be required to insure compliance with the provisions of this Ordinance.

2-5-65 Conformity to Mechanical Code. (Amended 08/02/07; #O-2007-12)

All installations, repairs, and alterations of mechanical work in Glynn County shall be performed, from the effective date of this Ordinance, in accordance with the provisions of the Mechanical Code as adopted herein.

2-5-66 Permit Fees. (Amended 08/02/07; #O-2007-12)

The permit fee for any mechanical work not covered by an all-inclusive building permit fee shall be \$30.00 per permit.

- (a) Application fees for variance/appeal to provisions of the Mechanical Code shall be seventy-five (\$75.00) dollars per application.

2-5-67 Fee for Reinspection.

In case it becomes necessary to make a reinspection of a heating, ventilating, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of \$20.00 dollars.

2-5-68 Violation and Punishment. (Amended 08/02/07; #O-2007-12)

Any person, firm, corporation, or agent who shall violate any of the requirements of this Ordinance and the provisions of the Mechanical Code, upon conviction thereof in a court of competent jurisdiction, shall be punished as for a misdemeanor under the provisions of Sec. 36-13-12 of the official Code of Georgia, Annotated.

2-5-69 Preventing Continuation of Unlawful Mechanical Installations.

In case any installation, maintenance, extension, or alteration of any mechanical work is made or is proposed to be made in violation of this Ordinance, the Board of Commissioners, Glynn County, Georgia, in addition to other available remedies, may institute injunction or other appropriate action or proceeding to prevent such unlawful installation, maintenance, extension, or alteration of mechanical work in Glynn County.

ARTICLE V. PLUMBING CODE

2-5-70 Scope.

There is hereby adopted and prescribed for Glynn County, Georgia, a plumbing code which shall apply to and be effective only within that area of Glynn County lying outside the corporate limits of the City of Brunswick, and all references hereinafter made to the application of the said plumbing code to Glynn County shall mean the area of said County lying outside the corporate limits of the City of Brunswick.

2-5-71 International Plumbing Code adopted and incorporated by reference. (Amended 08/02/07; #O-2007-12)

The plumbing code adopted and prescribed for Glynn County is that code contained and identified as the INTERNATIONAL PLUMBING CODE, 2006 EDITION WITH GEORGIA AMENDMENTS (hereinafter referred to as the "Plumbing Code"). Three copies of said code are filed for use and examination by the public in the office of the Glynn County Building Official, Glynn County, Georgia. Reference is hereby made to the International Plumbing Code, 2006 edition with Georgia amendments and the same is made a part of this Ordinance and incorporated herein by reference, and shall have the same force and effect as though it has been set out verbatim in this Ordinance. When the International Plumbing Code is amended and such amendment is adopted by the State of Georgia, that amendment shall be automatically adopted by Glynn County excepting only those portions specifically deleted, modified or amended by the Glynn County Board of Commissioners.

2-5-72 Application of Plumbing Code. (Amended 08/02/07; #O-2007-12)

The provisions of the International Plumbing Code, adopted by Sec. 2-5-71 above, applying to and governing plumbing in Glynn County, shall include the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, venting systems, and public or private water-supply systems within or adjacent to any building or other structure or conveyance; and also the practice and the materials used in the installation, maintenance, extension, or alteration of the storm-water or sewerage system of any premises to their connection with any point of public disposal system, individual system, or other terminal in Glynn County.

2-5-73 Administration and enforcement.

The administration and enforcement of this Ordinance by the Board of Commissioners, Glynn County, Georgia, who shall hereafter, for the purposes of brevity, be referred to as Commissioners, shall be through the Glynn County Building Official, hereinafter identified as Building Official, his assistant or assistants.

2-5-74 Duties of building official. (Amended 08/02/07; #O-2007-12)

- a. It shall be the duty of the Building Official to enforce the provisions of the Plumbing Code and to make the inspections and tests required thereunder. The tests required hereunder shall be prepared by the plumber and made by the Building Official at a time prearranged.
- b. The Building Official and his authorized assistants or representatives shall carry sufficient identification and be prepared to exhibit the same before entering any premises for the purpose of inspecting any plumbing at such times as may be required to insure compliance with the provisions of this Ordinance.
- c. Subject to the approval of the Commissioners, the Building Official with the concurrence of the Glynn County Plumbing Board, as hereinafter created, may recommend to the Commissioners rules and regulations in furtherance of the purposes of the Plumbing Code adopted by and through this Ordinance consistent with the specific provisions of such code for the installation, repair, or alteration of air-conditioning systems, water-treatment equipment, and water-operated devices as may be deemed necessary to properly protect the water supply system.

2-5-75 Conformity to Plumbing Code. (Amended 08/02/07; #O-2007-12)

All installations, repairs, and alterations of plumbing in Glynn County shall be performed, from the effective date of this Ordinance, in accordance with the provisions of the Plumbing Code as adopted herein.

2-5-76 Permits and fees. (Amended 08/02/07; #O-2007-12)

- a. No plumbing work, except as provided in Sub-Section (g) of this Section, shall be undertaken prior to the issuance of a permit therefore by the Building Official, which permit shall be completed in duplicate and numbered in sequence, with the duplicate copy

being retained and filed with the records in the office of the Building Official which are public records of Glynn County.

- b. A permit shall be issued only to a Master Plumber holding a Certificate of Qualification from the State of Georgia, except as provided by state law and as provided in Sub-section (c) of this Section.
- c. Any permit required by this Section may be issued to any person to do any work regulated by the Plumbing Code under this Ordinance in a single-family residence used exclusively for dwelling purposes, including the usual accessory buildings in connection with such building, provided, however, that the person is the bona fide owner of such residence, the same will be occupied by said owner, the said owner shall personally purchase all material and perform all labor in connection therewith and said work shall be done in compliance with the requirements of the Plumbing Code.
- d. Each person proposing to do plumbing, as herein defined, shall make application for a permit for such plumbing work on forms approved by the Building Official.
- e. Each application for permit shall be accompanied by the fee set forth in the following schedule, except in cases where an all-inclusive building permit has been issued.

FEE SCHEDULE

\$30.00 permit fee for any plumbing not covered by a valid all-inclusive building permit fee.

- f. The permit issued by the Building Official shall define with sufficient clarity the inspections required to insure compliance with the Ordinance.
- g. Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks, or replacement of defective faucets or valves may be made without a permit, provided no changes are made in the piping to the fixtures.
- h. Application fees for variance/appeal to provisions of the Plumbing code shall be seventy-five (\$75.00) dollars per application.

2-5-77

Plans and specification required. (Amended 08/02/07; #O-2007-12)

- a. No permit shall be issued until plans and specifications showing the proposed plumbing work in detail have been submitted to the Building Official. The Building Official has the right to waive this requirement when in his opinion plans are not necessary.
- b. Failure to submit plans and specifications shall in no way be held to excuse or authorize a violation of this Ordinance by non-compliance with the provisions of the Plumbing Code and this Ordinance.

2-5-78 Regulations controlling extension of water and sewer mains on St. Simons Island and Mainland sewer districts.

Any extension or extensions of water and/or sewer mains within the limits of St. Simons Island and Mainland Water and Sewer Districts shall be in accordance with specifications and minimum requirements approved and adopted by the Commissioners on recommendation of the Consultant of said District on the 17th day of September 1981, three certified copies of which are filed in the office of the Commissioners with the Standard Plumbing Code.

2-5-79 Classification of plumbers.

From and after the effective date of this Ordinance, all plumbers doing plumbing in the area of Glynn County hereinbefore defined shall be classified as follows:

- a. Master Plumber: A person qualified under the laws of the State of Georgia as a plumbing contractor.
- b. Journeyman Plumber: A person qualified under the laws of the State of Georgia as a Journeyman plumber.
- c. Apprentice and Junior Plumbers: Persons who are serving their apprenticeship or a portion thereof under the personal direction of a Master or Journeyman Plumber, and who do not assume any independent charge, control, or execution of the actual plumbing work.
- d. Helpers: Persons who do only the rough manual work in assisting Master or Journeyman Plumbers.

2-5-80 Creation of plumbing Board of Adjustments and Appeals.

In furtherance of the provisions and requirements of this Ordinance, there

is hereby created and established by the Commissioners a Glynn County Board of Adjustments and Appeals, hereinafter referred to as Plumbing Board of Adjustments and Appeals, consisting of five (5) members, who are residents of Glynn County, of whom at least two (2) members shall be contracting plumbers. One member of this Board shall be the Building Official of Glynn County. The members of the Plumbing Board, excluding the Building Official, shall be appointed by the Commissioners for the following terms: the original appointment shall be one member for one (1) year, one member for two (2) years, one member for three (3) years, and one member for four (4) years, all to serve until their successors are appointed and qualify; as each member's term expires his successor shall be appointed for a full term of four (4) years. Members of the Plumbing Board may be appointed to succeed themselves. One member of the Plumbing Board shall be elected by said members as its Secretary. The Chairman shall preside over the meetings of the Plumbing Board. The Secretary shall keep accurate minutes of the Plumbing Board's meetings of the Plumbing Board. The Secretary shall keep accurate minutes of the Plumbing Board's meetings and proceedings and shall keep and preserve all of its records at the office of the Building Official. Said Chairman and Secretary shall perform such other duties as the Plumbing Board may from time to time prescribe. The Chairman and Secretary shall be elected for a period of one (1) year and shall be eligible to succeed themselves in such offices. The Plumbing Board shall adopt such rules governing the orderly dispatch of its business and do any and all other acts or things authorized for the execution of its functions as may be approved by the Commissioners. The members of said Plumbing Board shall serve without compensation.

2-5-81

Authorized duties of Plumbing Board of Adjustments and Appeals shall be: (Amended 08/02/07; #O-2007-12)

The duties of the Plumbing Board of Adjustments and Appeals shall be:

- a. To cooperate with and advise the Commissioners with respect to plumbing problems arising in Glynn County;
- b. To recommend amendments to the Plumbing Ordinance as may from time to time become necessary;
- c. To receive and make recommendations in connection with plumbing;
- d. To handle such other matters as may be referred to it by the Commissioners;

- e. To meet in the Glynn County Building Inspection Department for the disposition of such business as may come before it.
- f. To hear and decide on appeals as prescribed in the Plumbing Code.

2-5-82 Determination of qualifications and issuance of certificates therefor.

To be eligible for a Master Plumber Certificate of Qualification, a plumber must hold a current certificate of qualification as a Plumbing Contractor issued by the State of Georgia

To be eligible for a Journeyman Plumber Certificate of Qualification, a person must hold a current certificate of qualification as a Journeyman Plumber issued by the State of Georgia.

No plumbing work shall be performed within Glynn County by any person other than a Plumbing Contractor or by Journeyman Plumber working under the supervision and direction of Plumbing Contractor except as provided in Subsection (c) of Section 2-5-76 of this Ordinance. The intent and purpose of this requirement is to insure improved sanitation and to prevent the contamination and pollution of water which may be used for human consumption.

2-5-83 Business license fees.

For each Plumbing Contractor, an annual business license fee shall be paid as prescribed in the Business License Ordinance of Glynn County.

2-5-84 Amending Plumbing Code. (Amended 08/02/07; #O-2007-12)

Reserved.

2-5-85 Violation and punishment. (Amended 08/02/07; #O-2007-12)

Any person, firm, corporation, or agent who shall violate any of the requirements of this Ordinance and the provisions of the Plumbing Code, upon conviction thereof in a court of competent jurisdiction, shall be punished as for a misdemeanor under the provisions of Sec. 36-13-12 of the O.C.G.A., Annotated.

2-5-86 Preventing continuation of unlawful plumbing installation.

In case any installation, maintenance, extension, or alteration of any plumbing is made or is proposed to be made in violation of this Ordinance, the Board of Commissioners, Glynn County, Georgia, in addition to other

available remedies, may institute injunction or other appropriate action or proceeding to prevent such unlawful installation, maintenance, extension, or alteration of plumbing in Glynn County.

2-5-87 Toilets, shower heads, and faucets.

a. Requirements.

As used in this Plumbing Code section, the term:

1. "Commercial" means any type of building other than residential.
2. "Construction" means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
3. "Residential" means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

b. Exemptions.

An exemption to the requirements of O.C.G.A. 8-2-3(b)-(d) may be applied for in accordance with subsection (c) and under the following conditions:

1. When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;
2. When such plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets, or shower heads required by this section were installed;
3. When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
4. When units to be installed are:

- (a) Specifically designed for use by the handicapped;
- (b) Specifically designed to withstand unusual abuse or installation in a penal institution; or
- (c) Toilets for juveniles.

c. Exemption procedure.

1. A request for an exemption shall be accompanied by a sworn statement specifying the reasons for requesting the exemption and shall be presented at the office of the Building Official of Glynn County, attention Building Official, 1803 Gloucester Street, Room 230, Brunswick, Georgia 31520, and executed by
 - (a) The applicant when requesting an exemption under the conditions enumerated in subsections (b)(1), (3), and (4); or
 - (b) A state licensed plumbing contractor when requesting an exemption under the conditions enumerated in subsection (b)(2).
2. A Glynn County building inspector shall physically inspect or make arrangements to physically inspect the premises within five (5) working days of receipt of the written request at the office of the Building Official of Glynn County.
3. The Building Official will provide written notification to the applicant within a reasonable time following the physical inspection of the premises. The notice shall grant or deny the request for an exemption to the requirements of this section and shall detail the reasons supporting the decision.

d. Appeal.

1. An applicant who has been denied an exemption may appeal the negative decision according to the following procedures.
 - (a) An applicant must submit appeal within fifteen (15) days of notification of the denial, allowing three (3) days for mailing, to the Glynn County Plumbing Board

of Adjustments and Appeals at the address in subsection (c)(1).

- (b) The Board shall set a time, place, and date for a hearing within five (5) business days of receipt of the request. The hearing shall be set no later than thirty (30) days from receipt of the request for an appeal.
- (c) An adverse ruling by the Board may be appealed to the Glynn County Board of Commissioners within thirty (30) days of the date of the decision.

2-5-88 - 2-5-89 Reserved.

ARTICLE VI. GAS CODE

2-5-90 Scope.

There is hereby adopted and prescribed for Glynn County, Georgia, a gas code which shall apply to and be effective only within that area of Glynn County lying outside the corporate limits of the City of Brunswick and all references hereinafter made to the application of said gas code of Glynn County shall mean the area of said county lying outside the corporate limits of the City of Brunswick.

2-5-91 International Fuel Gas Code adopted and incorporated by reference. (Amended 08/02/07; #O-2007-12)

The gas code adopted and prescribed for Glynn County is that code contained and identified as the INTERNATIONAL FUEL GAS CODE, 2006 EDITION WITH GEORGIA AMENDMENTS (hereinafter referred to as the "Gas Code"). Three copies of said Code are filed for use and examination by the public in the office of the Glynn County Building Official, Glynn County, Georgia. Reference is hereby had to said gas code contained in said Ordinance and incorporated herein by reference and shall have the same force and effect as though set out verbatim in this Ordinance. When the International Fuel Gas Code is amended and such amendment is adopted by the State of Georgia, that amendment shall be automatically adopted by Glynn County excepting only those portions specifically deleted, modified or amended by the Glynn County Board of Commissioners.

2-5-92 Application of Gas Code. (Amended 08/02/07; #O-2007-12)

The provisions of this code shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this code.

2-5-93 Administration and enforcement.

The administration and enforcement of this Ordinance by the Board of Commissioners of Glynn County, herein referred to as Commissioners, shall be through the Glynn County Building Official, herein identified as Building Official, his assistant or assistants.

2-5-94 Duties of building official. (Amended 08/02/07; #O-2007-12)

It shall be the duty of the Building Official to enforce the provisions of the Gas Code and to make the inspections and tests required hereunder shall

be prepared by the installer and made by the Building Official at a time prearranged.

The Building Official and his authorized assistants or representatives shall carry sufficient identification entering any premises for the purpose of inspecting any gas installation at such times as may be required to insure compliance with the provision of this Ordinance.

2-5-95 **Conformity to Gas Code.** (Amended 08/02/07; #O-2007-12)

All installations, repairs and alterations of gas in Glynn County shall be performed, from the effective date of this Ordinance, in accordance with the provisions of the Gas Code as adopted herein.

2-5-96 **Permit fees.** (Amended 08/02/07; #O-2007-12)

For issuing each permit not permitted under an all inclusive building permit, the fee shall be \$30.00.

If a reinspection is required, an additional fee of \$20.00 will be charged;

If any person commences any work before obtaining the necessary permit and inspection, fees shall be doubled; and

Any and all fees shall be paid by the person to whom the permit is issued.

Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, provided, however, all such work must be done in conformity with all other provisions of this code, including those relating to permits, inspections and fees.

Application fees for variance/appeal to provisions of the Gas Code shall be seventy-five (\$75.00) dollars per application.

2-5-97 **Violation and punishment.** (Amended 08/02/07; #O-2007-12)

Any person, firm, corporation, or agent who shall violate any of the requirements of this Ordinance and the provisions of the Gas Code, upon conviction thereof in a court of competent jurisdiction, shall be punished as for a misdemeanor under the provisions of Sec. 36-13-12 of the official Code of Georgia, annotated.

2-5-98 **Preventing continuation of unlawful gas installations.**

In case any installation, maintenance, extension, or alteration involving gas is made or is proposed to be made in violation of this Ordinance, the Board of Commissioners, Glynn County, Georgia, in addition to other available remedies, may institute injunction or other appropriate action or proceeding to prevent such unlawful installation, maintenance, extension, or alteration involving gas in Glynn County.

Effective 12-1-89 except for Fee Schedule which was effective 9-1-89.

2-5-99 Reserved.

ARTICLE VII. SOIL EROSION AND SEDIMENT CONTROL ORDINANCE

(Ordinance amended 04/01/04; 06/17/04, 05/06/10, 12/15/16)

ARTICLE VII.

2-5-100 SHORT TITLE

This ordinance shall be known as the Soil Erosion, Sedimentation and Pollution Control Ordinance of Glynn County.

2-5-101 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

- (1) *Best Management Practices (BMP's)* means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (2) *Board* means the Board of Natural Resources.
- (3) *Buffer* means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) *Certified Personnel* means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
- (5) *Coastal Marshland* shall have the same meaning as defined in O.C.G.A. § 12-5-282. (#O-2016-17)
- (6) *Commission* means the Georgia Soil & Water Conservation Commission (GSCC).
- (7) *Community Development Director*: The person charged with administrative leadership of Glynn County Community Development Department by whatever name he/she is called or designee.
- (8) *County Engineer* means the person designated County Engineer by the Glynn County Board of Commissioners or his designee.

- (9) *CPESC* means a Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc. (#O-2016-17)
- (10) *Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface; also known as excavation.
- (11) *Department* means the Georgia Department of Natural Resources (DNR) or authorized representative. (#O-2016-17)
- (12) *Design Professional* means a professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure. (#O-2016-17)
- (13) *Director* means the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources or an authorized representative. (#O-2016-17)
- (14) *District* means the Satilla River Soil and Water Conservation District.
- (15) *Division* means the Environmental Protection Division of the Department of Natural Resources.
- (16) *Drainage Structure* means a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.
- (17) *Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.
- (18) *Erosion, Sedimentation and Pollution Control Plan* means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in Section 2-5-103 C of this ordinance.
- (19) *Fill* means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or excavation.

- (20) *Final Stabilization* means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction. (#O-2016-17)
- (21) *Finished Grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (22) *Grading* means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (23) *Ground Elevation* means the original elevation of the ground surface prior to cutting or filling.
- (24) *Land-Disturbing Activity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in 2-5-102 (5).
- (25) *Larger Common Plan of Development or Sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
- (26) *Local Issuing Authority* means Glynn County, Georgia. (#O-2016-17)
- (27) *Metropolitan River Protection Act (MRPA)* means a state law referenced as O.C.G.A. 12-5-440 et.seq, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
- (28) *Natural Ground Surface* means the ground surface in its original state before any grading, excavation or filling.
- (29) *Nephelometric Turbidity Units (NTU)* means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by

finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present. (#O-2016-17)

- (30) *NOI* means a notice of Intent form provided by EPD for coverage under the State General Permit.
- (31) *NOT* means a Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
- (32) *O.C.G.A.* means the Official Code of Georgia Annotated.
- (33) *Operator* means the party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion and sedimentation control plan, or a storm-water pollution prevention plan for the site, or other permit conditions such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.
- (34) *Outfall* means the location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
- (35) *Permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance. (#O-2016-17)
- (36) *Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity. (#O-2016-17)
- (37) *Phase or Phased* means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
- (38) *Project* means the entire proposed development area regardless of the size of the area of land to be disturbed.
- (39) *Properly Designed* means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-

disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

- (40) *Roadway Drainage Structure* a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- (41) *Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion. (#O-2016-17)
- (42) *Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- (43) *Serviceable* means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction, as determined by the Local Issuing Authority. (#O-2016-17)
- (44) *Soil and Water Conservation District Approved Plan* means an erosion, sedimentation and pollution control plan approved in writing by the Satilla River Soil and Water Conservation District. (#O-2016-17)
- (45) *Stabilization* means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity. (#O-2016-17)
- (46) *State General Permit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
- (47) *State Waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation. (#O-2016-17)

(48) *Structural Erosion, Sedimentation and Pollution Control Practices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*. (#O-2016-17)

(49) *Vegetative Erosion and Sedimentation Control Measures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- b) Temporary seeding, producing short-term vegetative cover; or
- c) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

(50) *Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(51) *Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

2-5-102 EXEMPTIONS

This Ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following, which shall be exempt from the application and permit requirements of Section 2-5-104: (#O-2016-17)

- (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968"; (#O-2016-17)

- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (4) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in 2-5-103 of this Ordinance and O.C.G.A. § 12-7-6. The minimum requirements of 2-5-103 of this Ordinance, subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided therein shall be enforced by the Local Issuing Authority; (#O-2016-17)
- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds; (#O-2016-17)
- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in 2-5-103(C)(15) and 2-5-103(C)(16) of this Ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices; (#O-2016-17)
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture; (#O-2016-17)
- (8) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage-ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any

such excluded channel or drainage-way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority, or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; (#O-2016-17)
- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United states engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (11) Any public water system reservoir.

2-5-103 MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A) General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities, which are not exempted by this ordinance, shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation, and pollution control plans. Soil erosion, sedimentation, and pollution control measures and practices shall conform to the minimum requirements of 2-5-103 (B) & (C) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation, and pollution during all stages of any land-disturbing activity in accordance with the requirements of this ordinance and the NPDES General Permit.

B) Minimum requirements/BMP's

- (1) Best management practices as set forth in subsections (B) and (C) of this section shall be required for all land-disturbing activities. BMP's proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Local Issuing Authority or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act." As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b). (#O-2016-17)
- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes, which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act,"

for each day on which such failure occurs.

- (4) The Local Issuing Authority may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur. (#O-2016-17)

C) The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to

the cut face of excavations or the slope of fills;

- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion, sedimentation, and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in 2-5-103 (B) (2) of this ordinance;
- (15) Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer: (#O-2016-17)
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or

trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- (16) There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of the "Coastal Marshlands Protection Act of 1970" and the rules and regulations promulgated thereunder except: (i) where the Director determines to allow a variance that is at least as protective of natural resources and the environment, (ii) where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, (iii) where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, (iv) for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, (v) where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or (vi) on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. (#O-2016-17)

For the purposes of this subsection, maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor

maintenance but not so degraded as to essentially require reconstruction. (#O-2016-17)

- (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
- (b) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- (c) The buffer required by this subsection shall not apply (i) to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or (ii) any lot for which the preliminary plat has been approved prior to December 31, 2015, if roadways, bridges, or water and sewer lines have been extended to such lot prior to December 31, 2015, and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- (d) Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in Georgia Administrative Code Rule 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet, are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at

least 14 days prior to the commencement of land disturbing activities.

D) Authority to adopt greater requirements. Nothing contained in O.C.G.A. 12-7-1 et. Shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (B) and (C) of this section.

E) Presumption of violation. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

2-5-104 APPLICATION/PERMIT PROCESS

(A) *General.* The property owner, developer designated planners for the owner and/or developer, and engineers for the owner and/or developer shall review before submittal the general development plans. They shall consult the Glynn County Zoning Ordinance, the portions of the Glynn County Water Resources Management Ordinance related to stormwater management, the Glynn County Subdivision Regulations, the Glynn County Flood Damage Prevention Ordinance, this Ordinance, and any other applicable ordinances, rules, regulations or permits which regulate the development of land within the jurisdictional boundaries of Glynn County. However, the owner and/or operator are the only parties who may obtain a permit. (#O-2016-17)

(B) *Application requirements.*

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Glynn County without first obtaining a permit from the Community Development Director or designee to perform such activity and providing a copy of the Notice of Intent submitted to EPD if applicable. No land disturbance permit shall be issued for development on St. Simons Island or Sea Island that requires a site plan, pursuant to the Zoning Ordinance, or a preliminary plat, pursuant to the Subdivision Regulations, without first obtaining site plan or preliminary plat approval from the Islands Planning Commission. (#O-2015-21; October 15, 2015)
2. The application for a permit shall be submitted to the Community Development Director and must include the applicant's erosion, sedimentation, and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (C) of this section. Erosion, sedimentation, and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provision of Section 2-5-103, B and C of this Ordinance will be met. Applications for a permit will not be accepted unless

accompanied by four copies of the applicant's soil erosion, sedimentation, and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10. The application for a permit must include the applicant's approved site plan or approved preliminary plat if the development requires a site plan pursuant to the Zoning Ordinance or a preliminary plat pursuant to the Subdivision Regulations. (#O-2015-21; October 15, 2015)

3. A local permitting application and review fee in the amount of \$50.00 shall be due and payable to the Local Issuing Authority at the time of each Application and Plan submittal.
4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. In Glynn County, as a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees (up to \$40 per acre) shall be paid to the Local Issuing Authority and half of such fees levied shall be submitted to the Division prior to issuance of the land disturbance permit; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 [see 2-5-102 (9) and (10) of this Ordinance] shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction. (#O-2016-17)
5. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation, and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by 2-5-103(C)(15) and 2-5-103(C)(16) have been obtained, all fees have been paid, and bonding, if required as per 2-5-104(B)(7) of this section have been obtained. (#O-2016-17)
6. If a permit applicant has had two or more violations of previous permits, or this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
7. The Local Issuing Authority may, in accord with standards to be established by

the Local Issuing Authority, require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof, as provided in 2-5-106 (C). These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations. (#O-2016-17)

(C) *Plan requirements.*

1. Plans must be prepared to meet the minimum requirements as contained in 2-5-103 (B) and (C) of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(D) *Permits.*

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained where necessary and all applicable fees have been paid prior to permit issuance. The permit, if issued, shall include conditions under which the activity may be undertaken. (#O-2016-17)
2. No Land-disturbing Activity Permit shall be issued by the Local Issuing Authority

unless the erosion, sedimentation and pollution control plan has been approved by the District, the plan does not violate this Ordinance, and the plan does not violate any applicable provisions of the Glynn County Zoning Ordinance, the Glynn County Water Resources Management Ordinance related to stormwater management, the Glynn County Subdivision Regulations, the Glynn County Flood Damage Prevention Ordinance; any variances if required by 2-5-103(C)(15) are obtained; and bonding requirements, if necessary, as per 2-5-104(B)(7) of this section are met. If the permit is denied, the reason for denial shall be furnished in writing to the applicant. (#O-2016-17)

3. Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the Local Issuing Authority. (#O-2016-17)
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit. (#O-2016-17)
6. The Local Issuing Authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1). (#O-2016-17)

2-5-105 INSPECTION AND ENFORCEMENT

- (A) The County Engineer, or his or her designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary

permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance. (#O-2016-17)

- (B) The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve months of any amendments to the Erosion and Sedimentation Act of 1975.
- (C) The County Engineer shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (D) No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (E) The District or the Commission or both shall periodically review the actions of Glynn County, which has been certified as the Local Issuing Authority pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to Glynn County for the purpose of improving the effectiveness of the County's erosion and sedimentation control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- (F) The Division may periodically review the actions of Glynn County, which has been certified as a Local Issuing Authority pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement this Ordinance and review of conformance with an agreement, if any, between the District and Glynn County. If such review indicates that Glynn County as a county certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify Glynn County in writing. So notified, Glynn County shall have 90 days within which to take the necessary corrective action

to retain certification as a Local Issuing Authority. If corrective action has not been taken within 90 days after notification by the Division, the Division shall revoke the Local Issuing Authority certification. (#O-2016-17)

2-5-106 PENALTIES AND INCENTIVES

(A) Failure to obtain a permit for land-disturbing activities.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, occupational tax certificate, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

(B) Stop work orders.

1. For the first and second violations of the provisions of this ordinance, the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five business days from the date of the warning to correct the violation. If the violation is not corrected within five business days, the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning. (#O-2016-17)
2. For a third and each subsequent violation, the Local Issuing Authority shall issue an immediate stop-work order.
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. (#O-2016-17)
4. When a violation in the form of taking action without a permit, failure to maintain a buffer adjacent to state waters, failure to maintain a buffer adjacent to coastal marshlands, or significant amounts of sediment, as determined by the Local Issuing Authority have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the Local Issuing Authority. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls. (#O-2016-17)

(C) Bond forfeiture.

If through inspection, it is determined that a person engaged in land-disturbing

activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan. The violator shall have five days to correct the violation. If the person engaged in the land-disturbing activity fails to comply within five business days, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of 2-5-104(B)(7). The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. (#O-2016-17)

(D) *Monetary penalties.*

Any person who violates any provision of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Local Issuing Authority as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, the Magistrate Court, or any other court of competent jurisdiction trying cases brought as violations of this Ordinance, or under Glynn County Ordinances providing enforcement in accord with this Ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which a violation, or failure to comply, or refusal to comply continues shall be a separate violation. (#O-2016-17)

2-5-107 EDUCATION AND CERTIFICATION

(A) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

(B) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(C) Persons or entities involved in projects not requiring a state general permit but

otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

(D) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

2-5-108 ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

(A) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Glynn County Board of Commissioners within 30 days after receipt by the Local Issuing Authority of written notice of appeal.

(B) *Judicial Review.* Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Glynn County.

2-5-109 LIABILITY

(A) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

(B) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

(C) No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

2-5-110 VALIDITY AND EFFECTIVE DATE

(A) *Validity.* If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this ordinance.

(B) *Effective Date.* This Ordinance, and any amendments thereto, shall become effective on the date of adoption by the Glynn County Board of Commissioners. (#O-2016-17)

2-5-111 through 2-5-119 Reserved.

Article VIII

FLOOD DAMAGE PREVENTION

Division I

SHORT TITLE

2-5-120 **Short Title.** This Ordinance shall be known and may be cited as the "Flood Damage Prevention Ordinance of Glynn County, Georgia." (Ordinance of 12-20-84; amended 3-19-97; 2-20-92; Section 2-5-120 through 2-5-145 amended entirely September 7, 2006; amended 12/21/17, #O-2017-14)

Division II

**STATUTORY AUTHORITY, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

2-5-121 **Statutory Authority.** Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Glynn County Georgia, does ordain as follows:

2-5-122 **Findings of Fact.**

- a. The flood hazard areas of Glynn County, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

2-5-123

Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- b. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- c. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- d. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and,
- e. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

2-5-124

Objectives.

The objectives of this ordinance are:

- a. To protect human life and health;
- b. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- c. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- d. To minimize expenditure of public money for costly flood control projects;
- e. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- f. To minimize prolonged business interruptions; and,
- g. To insure that potential homebuyers are notified that property is in a flood area.

Division III

DEFINITIONS

Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. “Accessory Structure” means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

2. “Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered “New Construction.”

3. “Appeal” means a request for a review of the Building Official interpretation of any provision of this ordinance.

4. “Area of shallow flooding” means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

5. “Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community.

6. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

7. “Base Flood Elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1 through A30, AR, AR/A, AR/AE, AR/A1 through A30, AR/AH, AR/AO, V1 through V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

8. “Basement” means that portion of a building having its floor sub grade (below ground level) on all sides.

9. “Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

10. "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

11. "Critical Facility" means the facilities identified below:

- a. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- b. Hospitals, nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- c. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and generating plants, and other principal points of utility lines; and
- d. Generating plants, and other principal points of utility lines.

12. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

13. "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, breakaway walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

14. "Elevation Certificate" documents a structure's elevation. This certificate verifies the elevation of the lowest floor of your house relative to the ground. It is especially important if your house/building is in a FEMA high-risk flood zone (AE and/or VE zones). An elevation certificate is required with all new construction where a foundation system is required, including additions and renovation, and mobile home setups.

15. "Existing Construction" Any structure for which the "start of construction" commenced before November 1, 1984.

16. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before November 1, 1984.

17. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing

the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

18. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

19. “Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

20. “Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

21. “Flood Insurance Study” the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

22. “Floodplain” means any land area susceptible to flooding.

23. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

24. “Flood-proofing Certificate” means the National Flood Insurance Program (NFIP) Flood- proofing Certificate (FEMA form 086-0-34) which is the form to be used to certify a flood- proofing design for non-residential buildings that are permitted as an alternative to elevating to or above the Base Flood Elevation (BFE).

25. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

26. “Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

27. “Historic Structure” means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

28. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

29. "Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

30. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

31. "Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

32. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

33. “New construction” means structures for which the “start of construction” commenced after November 1, 1984, and includes any subsequent improvements to such structures.

34. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 1, 1984.

35. “North American Vertical Datum (NAVD)” has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps

36. “Recreational vehicle” means a vehicle, which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

37. “Start of construction” means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

38. “Structure” means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

39. “Subdivision” means the division of a single lot into two or more lots for the purpose of sale or development.

40. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

41. “Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. NOTE: *The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.* This term includes structures, which have incurred “substantial damage”, regardless of the actual amount of repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

42. “Substantially improved existing manufactured home parks or subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

43. “Variance” is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance

44. “Violation” means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Division IV

GENERAL PROVISIONS

2-5-126 Lands to which this ordinance applies.

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Glynn County, Georgia, excluding Jekyll Island State Park.

2-5-127 Basis for Area of Special Flood Hazard.

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), effective January 5, 2018, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS, supporting data and any revision thereto, for the unincorporated area of Glynn County, effective January 5, 2018, are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: in the Glynn County Community Development Office.

2-5-128 Establishment of Development Permit.

Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

2-5-129 Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

2-5-130 Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2-5-131 Interpretation.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under state statutes.

2-5-132 Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Glynn County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Division V

ADMINISTRATION

2-5-133 Designation of Ordinance Administrator.

The Building Official of Glynn County is hereby appointed to administer and implement the provisions of this ordinance.

2-5-134 Permit Procedures.

Application for a Development Permit shall be made to the Building Official on forms furnished by him or her PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, and dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

- a. Application Stage -
 1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed

structure will meet the applicable flood-proofing criteria of this Ordinance;

4. Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of 2-5-141, paragraph e; and
5. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and,

b. Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Building Official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Where a structure is subject to the provisions applicable to Coastal High Hazards Areas, an as-built certification must be provided after placement of the lowest horizontal structural members. Any regulatory floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

2-5-135

Duties and Responsibilities of the Administrator.

Duties of the Building Official shall include, but shall not be limited to:

- a. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- b. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

- c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- d. When Base Flood Elevation data or floodway data have not been provided in accordance with 2-5-127, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this Ordinance.
- e. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor, including basement, of all new or substantially improved structures in accordance with 2-5-134, paragraph b.
- f. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed.
- g. When flood-proofing is utilized for a structure, the Building Official shall obtain a certification of design criteria and a completed Flood-proofing certificate from a registered professional engineer or architect.
- h. Obtain design certification from a registered professional engineer or architect, along with a completed elevation certificate, that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of 2-5-141, paragraph e.
- i. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- j. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- k. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- l. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. Any

person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

- m. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Official and shall be open for public inspection.

Division VI

PROVISIONS FOR FLOOD HAZARD REDUCTION

2-5-136

General Standards.

In ALL Areas of Special Flood Hazard the following provisions are required:

- a. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- c. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- d. Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. (NOT APPLICABLE IN COASTAL HIGH HAZARD AREAS.)
 - 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and,

- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - 2. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
 - 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
-
- e. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - f. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. An elevation certificate will be required to verify elevation. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
 - g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - j. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

2-5-137

Specific Standards.

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- a. New construction and/or substantial improvements - Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the

lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 2-5-136, paragraph d, "Elevated Buildings".

1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.
- b. Non-Residential Construction - New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above.
- c. Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
1. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one (1) foot above the base flood elevation.
 2. Manufactured homes placed and/or substantially improved in an either existing manufactured home park or subdivision may be elevated so that:
 - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation, or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 4. All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days.
 - (ii) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
 - (iii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of 2-5-137, paragraph c, subparagraph 3, above.
- d. **Floodway** - Located within Areas of Special Flood Hazard established in 2-5-127, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in ANY increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 2. ONLY if 2-5-137, paragraph d, subparagraph 1, above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this Ordinance.

2-5-138

Building Standards for Streams Without Established Base Flood Elevations and/or Floodway (A-Zones).

Located within the Areas of Special Flood Hazard established in 2-5-127, where streams exist but no base flood data have been provided (A-Zones), OR

where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- a. When base flood elevation data or floodway data have not been provided in accordance with 2-5-127, then the Building Official shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Ordinance. ONLY if data are not available from these sources, then the following provisions (b&c) shall apply.
- b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than one (1) foot increase in flood levels during the occurrence of the base flood discharge.
- c. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 2-5-136, paragraph d, "Elevated Buildings".
 1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site.

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

2-5-139

Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations and Without Designated Floodways

In Areas of Special Flood Hazard established in 2-5-127, where streams with base flood elevations are provided but no floodways have been designated (Zones AE), the following provisions apply:

- a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating

that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in 2-5-141, subsection d.

2-5-140 Standards for Areas of Shallow Flooding (AO Zones).

Areas of Special Flood Hazard established in 2-5-127, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- a. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 2-5-136, paragraph d, "Elevated Buildings".

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- b. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required by this Ordinance.
- c. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

2-5-141 Coastal High Hazard Areas (V-Zones).

Located within the areas of special flood hazard established in 2-5-127, are areas designated as Coastal High Hazard Areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge, and therefore, the following provisions shall apply:

- a. All new construction and substantial improvements of existing structures shall be located landward of the reach of mean high tide. Note that other State and Glynn County regulations may require increased distances;
- b. All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction or constructed with non-supporting breakaway walls. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with 2-5-141, paragraph f, below;
- c. All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls; and
- d. All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the Standard Building Code.
- e. A registered professional engineer or architect shall certify, utilizing an elevation certificate, that the design, specifications and plans for construction are in compliance with the provisions contained in 2-5-141, paragraphs b, c, and d herein.
- f. All space below the lowest horizontal supporting member must remain free of obstruction. Breakaway walls, open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
 1. No solid walls shall be allowed; and,
 2. Material shall consist of lattice or mesh screening only.

3. If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- g. Prior to construction, plans for any structures having breakaway walls, latticework or decorative screening must be submitted to the Building Official for approval;
- h. Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with latticework or decorative screening, as provided in this Section;
- i. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 1. Particle composition of fill material does not have a tendency for excessive natural compaction;
 2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
 3. Slope of fill will not cause wave run-up or ramping.
- j. There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage; and,
- k. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of 2-5-141 are met.

2-5-142 Standards for Subdivisions.

- a. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- c. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- d. For subdivisions and/or developments greater than fifty (50) lots or five (5) acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the “as-built” data to FEMA in order to obtain the final LOMR.

2-5- 143 Standard for Critical Facilities.

- a. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. Provided, however, that this provision shall not apply to critical facilities located on St. Simons Island.
- b. All ingress and egress from any critical facility must be protected to the 500-year flood elevation. Provided, however, that this provision shall not apply to critical facilities located on St. Simons Island.

2-5-144 Variances. (Amended 3/01/07)

- a. There is hereby created a FEMA Appeals Board (hereinafter referred to as the “Appeals Board”) composed of the Community Development Director, the County Administrator, or the County Administrator’s designee, and the County Engineer, or the County Engineer’s designee.
- b. The Appeals Board, as established by the Glynn County Board of Commissioners, shall have the power to hear and decide requests for appeals or variances from the requirements of this Ordinance.
- c. The Appeals Board shall have the power to hear and decide appeals when it is alleged that an error in any requirement, decision, or determination is made by the Building Official in the enforcement or administration of this Ordinance. Appeals may only be filed by the applicant or Glynn County.
- d. Appeals shall be taken within fifteen (15) days following the decision or determination of the Building Official. Appeals shall be made by filing with the County Administrator a written notice of appeal specifying the grounds thereof. Appeals shall be submitted on application forms obtained from the Building Official. Any communication purporting to be

an application for an appeal shall be regarded as mere notice to seek relief until it is made in the form required. Appeals not taken with fifteen (15) days will be deemed abandoned and shall automatically be considered denied by the FEMA Appeals Board. All papers constituting the record upon which the decision appealed from was taken shall forthwith be transmitted to the FEMA Appeals Board by the Building Official.

- e. Any party to the action before the FEMA Appeals Board may appeal such decision to the Superior Court of Glynn County, as provided by O.C.G.A. § 5-4-1.
- f. Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- g. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Ordinance is met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. In reviewing such requests, the FEMA Appeals Board shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Ordinance.
- j. Conditions for Variances:
 - (1) A variance shall only be issued when there is:
 - i. a finding of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship;
 - iii. a determination that the special conditions or circumstances do not result from the action or actions of the applicant, i.e., a self-imposed hardship; and

- iv. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- k. Upon consideration of the factors listed above and the purposes of this Ordinance, the FEMA Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

Division VII

2-5-145 Penalties for Violation.

Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Building Official from taking such other lawful actions as is necessary to prevent or remedy any violation.

2-5- 146 Severability.

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

2-5-146 - 2-5-199 Reserved.

ARTICLE IX. GLYNN COUNTY NUISANCE ABATEMENT ORDINANCE

(Adopted 03/15/90; Amended 07/16/98-O-1998-11, 10/03/19 Ordinance #O-2019-07)

2-5-200 Title, Findings of Existence of Nuisance Structures.

- (a) This ordinance shall be entitled the “Glynn County Nuisance Abatement Ordinance.”
- (b) The Glynn County Board of Commissioners finds and declares that, within the unincorporated area of Glynn County, conditions of the character described in O.C.G.A. § 41-2-7 exist within Glynn County due to dwellings, buildings, structures or properties which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not being in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light or sanitary features; or where other conditions exist rendering such dwellings, buildings, structures or properties unsafe, unsanitary, dangerous, or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Glynn County; or which are vacant and being used in connection with the commission of drug crimes. Such dwellings, buildings, structures or properties are declared to be a public nuisance. Power is conferred upon Glynn County to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, structures or properties as provided in this Ordinance.
- (c) All the provisions of this Ordinance may also be applied to private property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity. A finding by any governmental health department, health officer, or Glynn County building inspector that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this Ordinance.
- (d) The provisions of this Ordinance shall apply to both residential and nonresidential property within the unincorporated area of Glynn County whether being occupied or not and whether being developed or not.

2-5-201 Definitions.

- (a) As used in this Ordinance, the following words, terms, and definitions shall apply:

- (1)"Applicable codes" means (A) any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (B) any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and (C) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 of the O.C.G.A. after October 1, 1991; provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
- (2)"Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (3)"Drug crime" means an act which is a violation of Article 2 of Chapter 13 of Title 16 of the O.C.G.A., known as the "Georgia Controlled Substances Act."
- (4)"Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this Ordinance, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
- (5)"Governing authority" means the Glynn County Board of Commissioners.
- (6)"Interested party" means:
 - a. Owner;
 - b. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;

- c. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
 - d. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or property records maintained in the Glynn County Courthouse by the Clerk of Superior Court. "Interested party" shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
 - e. Persons in possession of said property and premises.
- (7) "Magistrate Court" means the Magistrate Court of Glynn County, Georgia.
- (8) "Owner" means the holder of the title in fee simple and every mortgagee of record in the property records of the Clerk of Superior Court of Glynn County.
- (9) "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of Glynn County or the State of Georgia relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in Glynn County.
- (10) "Public officer" means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7 through 41-2-17 and by this chapter to exercise the powers prescribed by this chapter or any agent of such officer or officers. For the purposes of this Ordinance the Glynn County Community Development Director, or designees, shall exercise the primary responsibilities prescribed by this Ordinance and shall be the "public officer" as defined herein and in O.C.G.A. § 41-2-8(10).
- (11) "Repair" means altering or improving a dwelling, building, or structure to bring the structure into compliance with the applicable codes and the cleaning or removal of debris, trash, undesirable vegetation, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(12) "Resident" means any person residing in the unincorporated area of Glynn County on or after the date on which the alleged nuisance arose.

(13) "Undesirable vegetation" means plants, which due to natural growth characteristics, constitute a negative effect on public safety, public health or public welfare.

(b) To the extent not stated above, the definitions set forth in O.C.G.A. § 41-2-8, as amended, are incorporated herein by reference.

2-5-202

Unsafe Structures, Standards for Determining Unfitness for Habitation, Undesirable Vegetation.

(a) Duty of the owner of dwellings, buildings, structures or properties. It is the duty of the owner of every dwelling, building, structure, or property within Glynn County to construct and to maintain such dwelling, building, structure or property in conformance with applicable codes in force in Glynn County and such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.

(b) Standards for determining unfitness for habitation of unsafe dwellings, buildings or structures. The public officer may determine, under existing ordinances, that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if they find that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or welfare of the occupants of such dwelling, building or structure; of the occupants of neighborhood dwellings, buildings or structures; or of other residents of Glynn County. Such building, dwelling, or structure is illegal and shall be abated by repair, demolition, or closed in accordance with this Ordinance. Such conditions may include the following without limiting the generality of the foregoing:

(1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic;

(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, which is in disrepair or in a dilapidated or nonworking condition such that the

means of egress could be rendered unsafe in case of fire or panic;

- (3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the stresses allowed in the Georgia State Building Code for new buildings;
- (4) The building, dwelling or structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to damage and is less than the minimum requirement established by the Georgia State Building Code for new buildings;
- (5) Any exterior appendage or portion of the building, dwelling or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Georgia State Building Code for new buildings;
- (6) If for any reason the building, dwelling, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used;
- (7) The building, dwelling, structure or portion thereof is likely to fully or partially collapse because of decay, deterioration or dilapidation;
- (8) The building, dwelling, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes or of a county or state law;
- (9) Any building, dwelling, structure or portion thereof that is in such a condition as to constitute a public nuisance; and
- (10) Any building, dwelling, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise a danger to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, disrepair, uncleanliness, structural defects, dilapidation, obsolescence, abandonment, or any defects to any building, structure or dwelling or portion thereof increasing the hazards of fire, accidents, or other calamities.

- (c) Standards for determining unfitness for habitation dwellings, buildings or structure being used in connection with drug crimes. The public officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or upon report of a law enforcement agency and evidence of drug crimes being committed.
- (d) Property endangering the public health or safety. Any property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity is illegal and in violation of this Ordinance. A finding by any governmental health department, health officer, or Glynn County building inspector that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this Ordinance.
- (e) Undesirable vegetation. It shall be unlawful for the owner and/or occupant of any occupied or unoccupied lot of land in Glynn County, or for any agent or representative of any such occupant or owner, to permit or maintain on such lot any growth of undesirable vegetation.

2-5-203

Inspection, Complaint, Hearing, and Order.

- (a) Inspection. Whenever a request is filed with a public officer by any public authority, by at least five residents of Glynn County, or by the Community Development Director on their own information charging that any dwelling, building, structure, or property: is unfit for human habitation; is unfit for commercial, industrial, or business use; is not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; or has a growth of undesirable vegetation, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. The public officer, or designee, or any person authorized to enforce this Ordinance, and any sworn officer of the police department shall be empowered to enter any property and structure at reasonable times to inspect the condition or work being performed thereon or therein. Provided, however, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.
- (b) Complaint, Summons, Lis Pendens, and Service. If the public officer's investigation or inspection reveals that any dwelling, building, structure, or property meets any of the criteria specified in subsection

(a); the public officer may file a complaint in rem in the Magistrate Court against the lot, tract, or parcel of real property on which such building situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such building or property.

- (1) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance.
- (2) The summons shall notify the interested parties that a hearing will be held before the Magistrate Court at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the Magistrate Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (3) Service. Complaints shall be served in the following manner: At least 14 days prior to the date of the hearing, copies of the complaint by shall be mailed by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
 - (A) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in Glynn County once a week for two consecutive weeks prior to the hearing.
 - (B) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Ordinance on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

- (c) Lis Pendens. A notice of lis pendens shall be filed in the property records of the Clerk of Superior Court of Glynn County at the time of filing the complaint in the Magistrate Court. Such notice shall have the same force and effect as other lis pendens notices provided by state law.
- (d) Hearing and Order. If, after such notice and hearing, the Magistrate Court determines that the dwelling, building, structure, or property in question is unfit for human habitation; is unfit for commercial, industrial, or business use; is not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; or has a growth of undesirable vegetation, the Magistrate Court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order requiring the owner to take action.
- (1) If the repair, alteration, or improvement of the building or property can be made at a reasonable cost in relation to the present value of the building or property, the owner, within the time specified in the order, shall be ordered to repair, alter, or improve such dwelling, building, structure or property so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; provided that the repair; or
 - (2) If the repair, alteration, or improvement of the building or property cannot be made at a reasonable cost in relation to the present value of the building or property, the owner, within the time specified in the order, shall be ordered to demolish and remove such building and/or all debris from the property. For purposes of this Ordinance, the Magistrate Court shall make its determination of reasonable cost in relation to the present value of the building without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factors in the Court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43 of the Official Code of Georgia Annotated, qualified

building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure or property shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

2-5-204 Failure to Comply with Order to Repair or Demolish.

(a) If the owner fails to comply with an order of the Magistrate Court to repair or demolish the dwelling, building, structure, or property, the public officer may cause such dwelling, building, structure, or property to be repaired, altered, improved, vacated and closed, or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence.

(b) The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

(c) In addition, the placard shall bear the date posted, street address and number of the building involved and the signature of the public officer. It shall thereafter be unlawful for any person to mutilate or remove such placard or for such building to be occupied until the required corrective action is taken.

2-5-205 Demolition.

No person shall begin demolition until a permit for demolition has been obtained and all utilities have been cut off and capped at the street. The person who has secured the permit shall remove from the property all debris, trash, litter, rubbish, rubble and foundation exposed above the ground level; fill any excavation or other depressions to existing grade with clean dirt containing no more than 25 percent stone or masonry;

and adequately slope and drain all filled areas as determined by the Community Development Director.

2-5-206 Lien on Property.

- (a) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and the Glynn County Board of Commissioners are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (b) The amount of the costs of repair or demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner, and all other costs necessarily associated with the abatement action, including but not limited to restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (c) The lien provided for in subsection (b) above shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the property records of the Clerk of Superior Court of Glynn County and shall relate back to the date of the filing of the lis pendens notice required under this Ordinance. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- (d) Upon final determination of costs, fees, and expenses incurred in accordance with this Ordinance, the public officer shall transmit to the Glynn County Tax Commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the Glynn County Tax Commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48 of the Official Code of Georgia Annotated;

provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The Glynn County Tax Commissioner shall remit the amount collected to the governing authority of Glynn County.

- (e) Enforcement of liens pursuant to this section may be initiated at any time following receipt by the Glynn County Tax Commissioner of the final determination of costs in accordance with this Ordinance. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this Ordinance.
- (f) The redemption amount in any enforcement proceeding pursuant to this section shall be the full amount of the costs as finally determined in accordance with this section together with interest, penalties, and costs incurred by Glynn County and/or the Glynn County Tax Commissioner in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (g) The Glynn County Board of Commissioners may may waive and release any such lien imposed on property upon the owner of such property entering into a contract with Glynn County agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- (h) Where the abatement action does not commence in superior court, review of the court order requiring the repair, alteration, improvement, or demolition of a building, dwelling or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.
- (i) In addition to the procedures and remedies in this Ordinance, the public officer may issue citations for violations of state minimum codes, building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard and general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this Ordinance.

- (j) Nothing in this chapter shall impair or limit in any way the power of Glynn County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

2-5-207 Nuisance Conditions on Property.

Without limiting the generality of the provisions of this Ordinance, conditions constituting an endangerment to the health or safety of persons residing or working in the vicinity may include but are not limited to the following:

- (1) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of Glynn County.
- (2) Maintaining dangerous or diseased animals or fowl.
- (3) Stagnant water on premises.
- (4) An accumulation of weeds, trash, junk, filth, or other unsanitary and unsafe conditions that create a public health hazard or a general nuisance to those persons residing in the vicinity.
- (5) Any other condition constituting a nuisance under state law.

2-5-208 Eminent Domain.

Nothing in this Ordinance shall be construed to prevent the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of the State of Georgia or to permit any property to be condemned or destroyed except in accordance with the police power of this state. Procedures under this chapter shall not constitute the exercise of the power of eminent domain by Glynn County.

2-5-209 Injunctions.

Any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be heard by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or

decree as law and justice may require; provided however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction pursuant to O.C.G.A. § 41-2-13.

2-5-210 Powers Supplemental to Other Laws.

Nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of Glynn County to enforce any provisions of its local enabling Act or its ordinances or regulations nor to prevent or punish violations thereof; and the powers conferred by this Ordinance shall be in addition to and supplemental to the powers conferred by any other law.

2-5-211 thru 2-5-220 Reserved.

ARTICLE X. COUNTY ADDRESSING SYSTEM

(Established January 17, 2002)

2-5-250 Title, Scope, Intent and Administration.

- (a) Title: This ordinance shall be entitled the "Glynn County Addressing Code."
- (b) Authority and Scope: This Ordinance is enacted pursuant to the provisions of the Georgia Emergency Telephone Number A911" Service Act of 1977, at Section 120 et seq. of the Official Code of Georgia Annotated, as amended. All powers granted to the governing authority of Glynn County by the statute are hereby incorporated by reference so as to be assumed, delegated and granted pursuant to this Ordinance.
- (c) Intent: The purpose of this Ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical service personnel in the unincorporated area of Glynn County. It is found and declared by the Board of Commissioners that establishing a physical addressing process will ensure that the new addresses will provide the best address information for the Enhanced 9-1-1 database which can be used by emergency service providers, as well as by mail delivery services, utilities, delivery services, and others, for the health, safety and welfare of the people of Glynn County.
- (d) Administration: The GIS Department is hereby authorized to and shall approve road names and assign numbers to all properties, and shall administer this Ordinance. The GIS Department, Fire Department, and Police Department will coordinate the approval of road names. All requests shall be submitted to GIS. GIS will relay requests to the Police and Fire Departments for approval. GIS will strive to provide address approval the same day unless a problem or concern exists. An example of a problem could consist of a road name request that already exists within the same ESN area. These problems or concerns will be submitted to the Public Safety Committee for review and approval. Members of the Public Safety Committee are the Police Chief, Fire Chief, heads of utilities and public works, or their designees. The Public Safety Committee will make a determination within in five (5) working days of receipt of the problem or concern from GIS. The decision of the Public Safety Committee is final and binding on all parties.

2-5-251 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

- (a) "Addressing" means the assigning of a numerical address and street name, which name shall be numerical, to each location within the unincorporated area of Glynn County and replaces any route and box numbers currently in place in the A911" database.
- (b) "GIS" means Geographic Information System, a separate and distinct department of Glynn County government, as established by the Board of Commissioners.
- (c) "Person" means owner of a house, dwelling unit, or place of business.
- (d) "Property" means any lot on which a permanent structure or building has been erected or could be placed.
- (e) "Road" means any highway, road, street, avenue, lane, private way or easement, or similar paved, gravel, or dirt passage way.
- (f) "ESN" means Emergency Service Number, a geographic overlay defining different emergency service areas.

2-5-252 Naming System.

All roads that serve two or more properties shall be named. A road name approved by the GIS Department for addressing purposes which has been assigned to a private road shall not constitute or imply acceptance of the road as a public way and shall include the letters "P.E." after the name. Each P.E. (private easement) must be named. The following criteria shall govern the naming system:

- (a) No two roads shall be approved with the same name in the same ESN, except when the roads intersect perpendicularly to one another and the names are followed by different suffixes (i.e, Oak Road and Oak Lane). This exception shall only be granted if the road name does not currently exist elsewhere in the same ESN.
- (b) No two roads shall be approved with similar sounding names (i.e., Beach Street and Peach Street) unless they exist in a different ESN.

- (c) Existing duplicate road names will be changed unless roads are located in:
 - (1) Different geographic areas, such as the mainland of unincorporated Glynn County, St. Simons Island, and Sea Island; or
 - (2) Different Emergency Service Number Zones (ESN).
- (d) Existing duplicate roads will be renamed in the following order:
 - (1) Road impacting the larger number of residents shall maintain the existing name.
 - (2) Length of time road name has been in use.
- (e) The main entrance into a subdivision shall have the same name as the subdivision unless it constitutes a public safety issue.
- (f) Each road shall have the same name throughout its entire length in the unincorporated area of Glynn County. When a state highway has numerous names, the highway number will be used as the E-911 road name.
- (g) No two subdivisions, condominiums, apartment complexes, hotels/motels, or shopping centers within the same ESN will be approved with the same name.
- (h) Shopping centers shall have a road name assigned to the general primary public access drive of the shopping center. The road shall have the same name as the shopping center as approved by the GIS Department.

2-5-253 Numbering System.

Assignment of address numbers shall be based on linear feet. In residential areas, address numbers shall be assigned every sixty (60) feet along both sides of a road where possible. In commercial areas, address numbers shall be assigned every ten (10) feet along both sides of a road where possible. The following criteria shall govern the numbering system:

- (a) Four-way and “T” type intersections shall be numbered in the same manner as residences.

- (b) Numbers shall be assigned from the point of beginning of each road. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end road. From the point of beginning, address numbers shall be assigned even numbers on the right side and odd numbers on the left side of the road.
- (c) Numbering shall begin at the main entrance to subdivisions and trailer parks. All other roads shall be numbered from the southern beginning point and proceed in a northerly direction, or from the western beginning point and proceed in an easterly direction. From the point of beginning, address numbers shall be assigned even numbers on the right side and odd numbers on the left side of the road. If a "911" accurate addressing system is presently in place, then new address assignments or any changes shall follow the existing "911" addressing system.
- (d) The number assigned to each building shall be that of the numbered interval falling closest to the primary entrance. If the primary entrance cannot be seen from the street, then the number shall be that of the interval falling closest to the driveway of the building.
- (e) Every multi-residential building with separate entrances shall have a separate number. For example, duplexes will have two separate numbers; condominiums will each have a separate number.
- (f) Businesses, apartments and multi-tenant (3 or more dwelling units) buildings shall have an address assigned to the primary entrance of the building. Apartment or suite numbers shall be assigned in ascending order from south to north or west to east end of the building.
- (g) Sequential addressing numbers shall be assigned on lots in approved subdivisions with restrictive covenants assuring only one dwelling structure per lot.

2-5-254 Designation of Numbers and Duty to Display.

All persons, by the date set forth in Section 2-5-256 herein, shall display and maintain in legible condition the assigned numbers in a conspicuous place, as follows:

- (a) Number on the Building or Residence: Where the building or residence is within forty (40) feet from the edge of the road right-of-way, the assigned number shall be displayed on the front of

the building or residence near the primary entrance visible from the street or parking lot providing general public access. The same requirement applies to buildings, dwelling units, and place of business within apartments, condominiums, and nonresidential developments located on private streets.

- (b) Number at the Street Line: Where the building or residence is over forty (40) feet from the edge of the road right-of-way, regardless whether the road is a private or public way or easement, the assigned number shall be displayed on a post, fence, wall, mailbox, or on some structure at the property line next to the walk or access drive to the building or residence.
- (c) Size and Color of Number: The standard number shall be not less than three (3) inches in height for residential, or less than six (6) inches in height for non-residential and multi-tenant buildings, and with a contrasting background. The numbers shall not be more than one (1) inch apart or equal to the width of any number except the number "1". Numerals shall be maintained in a legible condition and shall be visible at night.
- (d) Temporary Numbers: Each person constructing a building of any kind shall, during such construction, erect or post a temporary number, designated by "0" by the GIS Department unless a permanent number can be assigned. This number shall not be smaller than five inches wide and twelve inches high (5" x 12") and shall be posted not further than ten (10) feet from the front of the lot upon which construction is being done. The number shall remain posted until a permanent number is assigned, erected or posted. This subsection (d) shall not apply to building permits issued for ancillary buildings that are accessory to the main building such as a separate vehicular garage, pool house or storage building. A temporary number will be assigned only when a permanent number cannot be assigned.

2-5-255 Construction, Subdivisions, and Business Licenses.

- (a) Construction: Whenever any residence or other building is constructed or renovated, it shall be the duty of the owner to obtain an address number or verify the accuracy of the existing address number through the GIS Department. The owner shall obtain or verify, as applicable.
- (b) Subdivisions: It shall be the duty of any person who intends to subdivide property to obtain approval from the GIS Department for any proposed road name in the subdivision. The proposed name of

the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivisions or streets in the same ESN, except as set forth herein.

- (c) Business Licenses: All applications for new or renewed business licenses issued by the Glynn County Finance Department will be reviewed by the GIS Department for correctness and compliance with this addressing Ordinance. Compliance with this subparagraph (c) shall be enforced by Glynn County Code Enforcement or its successor.

2-5-256 Effective Date, Notification, Compliance.

- (a) This Ordinance shall become effective upon approval of the Board of Commissioners.
- (b) It shall be the duty of the GIS Department to notify by certified mail each property owner and the U.S. Post Office of a new address at least ninety (90) days before the effective date of its use.
- (c) It shall be the duty of each property owner to comply with this Ordinance, including the posting of new address numbers and the removal of old numbers within ninety (90) days following notification of a new address.

2-5-257 Violations and Penalties.

- (a) Penalties for each violation shall be as follows:

	<u>Minimum Fines of Not Less Than</u>
(1) First occurrence	Written Warning
(2) Second occurrence	\$100
(3) Third occurrence	\$200
(4) Later occurrences	\$300 to \$1,000

The written warning for a first occurrence shall be hand delivered or mailed by first class mail and certified return receipt requested to the location of the house, dwelling unit or place of business prior to the issuance of a citation for violation of this Ordinance. Failure to make, deliver, mail or receive the first occurrence warning shall not effect any subsequent enforcement efforts nor the penalty for any subsequent violation of this Ordinance.

- (b) The violation of any provision of this Ordinance may be enjoined by issuing a citation for an Ordinance violation returnable to the Glynn County Magistrate Court. Such action may be maintained notwithstanding that other adequate remedies at law exist.

2-5-258 Enforcement.

The GIS Department in conjunction with the Code Enforcement Division of Glynn County, or its successor, will be responsible for enforcing the provisions of this Ordinance.

2-5-259 Construction.

This Ordinance shall be cumulative of other ordinances and Code provisions applicable to property and improvements in Glynn County and shall not repeal other ordinances and Code provisions pertaining to similar subjects and procedures.

2-5-260 Severability.

If any section, subsection, sentence or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

2-5-261 Headnotes.

Titles and headnotes to sections and subsections are for convenience in reference and shall not control the interpretation of any provision of this Article.

2-5-262 Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed, provided, and it is expressly acknowledged, that it is not the intent of this Ordinance to repeal, limit or amend other ordinances, codes, and regulations previously adopted and in force and effect.